

HOUSE BILL No. 2103

By Committee on Insurance

1-19

1 AN ACT concerning insurance; relating to coverage for amino acid-based
2 elemental formula; amending K.S.A. 2016 Supp. 40-2,103 and 40-
3 19c09 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) On and after July 1, 2017, every individual or
7 group health insurance policy, medical service plan, contract, hospital
8 service corporation contract, hospital and medical service corporation
9 contract, fraternal benefit society or health maintenance organization,
10 municipal group-funded pool and the state employee health care benefits
11 plan that provides medical, surgical or hospital expense coverage and that
12 is delivered, issued for delivery, amended or renewed on or after July 1,
13 2017, shall also provide coverage for amino acid-based elemental formula,
14 regardless of delivery method, for the diagnosis or treatment of food
15 protein-induced enterocolitis syndrome, eosinophilic disorders or short
16 bowel syndrome, if prescribed by a prescriber, as defined by K.S.A. 65-
17 1626, and amendments thereto, authorized by the pharmacy act of the state
18 of Kansas and the applicable medical professional licensure entity in the
19 state of Kansas.

20 (b) The coverage required by this section shall be subject to the same
21 annual deductibles, copayments or coinsurance limits as established for all
22 other covered benefits under the individual or group policy of accident and
23 sickness insurance referred to in subsection (a).

24 (c) This section shall be subject to the provisions of K.S.A. 40-2249a,
25 and amendments thereto.

26 (d) The provisions of this section shall not apply to any policy or
27 certificate that provides coverage for any specified disease, specified
28 accident or accident only coverage, credit, dental, disability income,
29 hospital indemnity, long-term care insurance as defined by K.S.A. 40-
30 2227, and amendments thereto, vision care or any other limited
31 supplemental benefit nor to any medicare supplement policy of insurance
32 as defined by the commissioner of insurance by rule and regulation, any
33 coverage issued as a supplement to liability insurance, workers'
34 compensation or similar insurance, automobile medical-payment insurance
35 or any insurance under which benefits are payable with or without regard
36 to fault, whether written on a group, blanket or individual basis.

1 Sec. 2. K.S.A. 2016 Supp. 40-2,103 is hereby amended to read as
2 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
3 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
4 inclusive, 40-2250, K.S.A. 2016 Supp. 40-2,105a, 40-2,105b, 40-2,184,
5 40-2,190~~and~~, 40-2,194 *and section 1*, and amendments thereto, shall apply
6 to all insurance policies, subscriber contracts or certificates of insurance
7 delivered, renewed or issued for delivery within or outside of this state or
8 used within this state by or for an individual who resides or is employed in
9 this state.

10 Sec. 3. K.S.A. 2016 Supp. 40-19c09 is hereby amended to read as
11 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
12 and hospital service corporation act shall be subject to the provisions of
13 the Kansas general corporation code, articles 60 to 74, inclusive, of
14 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,
15 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,
16 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229,
17 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250,
18 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-
19 2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-
20 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to
21 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,
22 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-
23 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2016 Supp. 40-
24 2,105a, 40-2,105b, 40-2,184, 40-2,190~~and~~, 40-2,194 *and section 1*, and
25 amendments thereto, except as the context otherwise requires, and shall
26 not be subject to any other provisions of the insurance code except as
27 expressly provided in this act.

28 (b) No policy, agreement, contract or certificate issued by a
29 corporation to which this section applies shall contain a provision which
30 excludes, limits or otherwise restricts coverage because medicaid benefits
31 as permitted by title XIX of the social security act of 1965 are or may be
32 available for the same accident or illness.

33 (c) Violation of subsection (b) shall be subject to the penalties
34 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

35 Sec. 4. K.S.A. 2016 Supp. 40-2,103 and 40-19c09 are hereby
36 repealed.

37 Sec. 5. This act shall take effect and be in force from and after its
38 publication in the statute book.